PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

TO: AVERY N. GOLDSTEN GYERORD, KRASS, GROH, SPRNKLE, ANDERSON & CHTKOWSKI, P.C. 2701 TROY CENTER RRIVE, SUITE 330 TROY, MI 48007-7021 Applicant's or agent's file reference MRI-10652/22 Applicant's or agent's file reference MRI-10652/22 FOR FURTHER ACTION See paragraphs 1 and 4 below [PCT Rule 44.1) Date of mailing (ady/month/year) Date of mailing (ady/month/year) FOR FURTHER ACTION See paragraphs 1 and 4 below [PCT/USD5/08507] International application No. PCT/USD5/08507 Applicant NEURORECOVERY, INC. The applicant is anticle of the international search report and the written opinion of the International Searching Authority have been esublished and are transmitted herewith. Filing of amendments and statement under Article 19: The applicant is entitle, if he so wishes, to amend the claims of the international spaticant is entitle, if he so wishes, to amend the claims of the international search report. When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report. Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No: +41 27 470 14 135 For more detailed instructions, see the notes on the accompanying sheet. The applicant is entitled that the objects and the written opinion of the International under Article 17(2)(5) to that effort and the written opinion of the International Searching Authority are transmited freewith. With regard to the protest against payment of (an) additional fee(s) work Fattle 402, the applicant is entitled that: the protest tagether with the decision threen has been transmitted to the International Bureau together with the applicant's request to forward the tasks of both the protest and the decision threen to the decision is made.	From the INTERNATIONAL SEARCHING AUTHORITY			
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TROY CENTER DRIVE, SUITE 330 TROY, MI 48007-7021 Applicant's or agent's file reference MRI-10655/22 Applicant's or agent's file reference MRI-10655/22 International application No. PCT/LSSS/05967 FOR FURTHER ACTION International application No. International Searching Authority International Searching Authority International Searching Authority International Searching Authority International Search report. When? The time limit for filing such amendments is normally, two months from the date of transmittal of the international search report will be applicant is hereby notified that no international search report will be established and that the declaration under Article I7(2/5) or that effect and the written opinion of the International Searching Authority are transmitted herewith. With regard to the proteast against payment of (an) additional feefo) under Rule 40,2, the applicant is notified that: the proteat together with the decision thereon has been transmitted to the International Bureau together with the applicant's requests to forward the taxes of both the proteats and the decision thereon to the designated Officer.				
TROY, MI 48007-7021 SEARCHING AUTHORITY, OR THE DECLARATION (PCT Rule 44.1) Date of mailing (day/month/year) (day/month/year) (day/month/year) (Applicant's or agent's file reference NRI-10653722 FOR FURTHER ACTION See paragraphs I and 4 below International application No. PCT/LDS0508907 Applicant Applicant The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority NEURORECOVERY, INC. The applicant is a hereby notified that the international search report and the written opinion of the International Searching Authority The applicant is cutiled, if he so wishes, to amend the claims of the international application (see Rule 46): When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report. Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Genera 20, Switzsrland, Faccinitie Not. +41 27 740 14 35 For more detailed instructions, see the notes on the accompanying sheet. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(s) that affect and the written opinion of the International Bureau to the declaration in notified that: the protest together with the decision thereon has been transmitted to the International Bureau to the designated colffices.				
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4. Reminders				
Shortly after the expiration of 18 months from the priority date, the international application will be published by the International				
Bureau. If the applicant wishes to avoid or postgons publication, a notice of withdrawal of the international application, or of the priority claim, must reach the international Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical				
preparations for international publication.				
The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the	The applicant may submit comments on an informal basis of	n the written opinion of the International Searching Authority to the		
International Bureau The International Bureau will send a copy of such comments to all designated Offices unless an international	International Bureau The International Bureau will send a co	ny of such comments to all designated Offices unless an international		
preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.	preliminary examination report has been or is to be established before the expiration of 30 months from the priority date.	These constitutes would also be made available to the public but not		
Within 19 months from the principle date, but only in respect of some designated Offices, a demand for international preliminary	Within 10 months from the princips date but only in respec	t of some designated Offices, a demand for international preliminary		
expenienting must be filled if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in				
The second section of the second section of the second section of the second section of the sect	examination must be men a die appricant waites to perspense at	some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.		

Name and mailing uddress of the ISA/ US

Mail Stop PCT, Authorized officer

Commissioner for Patenta
P.O. Box 1450

Alexandria, Verginia 22313-1450

Telephone No. (703) 308-0858

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the PCT Applicant's Guide,

Facsimile No. (703) 305-3230 Form PCT/ISA/220 (January 2004)

Volume II, National Chapters and the WIPO Internet site.

(See notes on accompanying theet)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference NRI-10652/22		orm PCT/ISA/220 o applicable, item 5 below.
International application No. PCT/US05/08907	International filing date (day/month/year) 17 March 2005 (17.03.2005)	(Earliest) Priority Date (day/month/year) 17 March 2004 (17.03.2004)
Applicant NEURORECOVERY, INC.		
This international search report has been according to Article 18. A copy is being This international search report consists of		hority and is transmitted to the applicant
It is also accompanied	by a copy of each prior art document cited in	n this report.
language in which it was filed, u	international search was carried out on the banless otherwise indicated under this item.	
	rity (Rule 23.1(b)).	
b. With regard to any nucleoti	ide and/or amino acid sequence disclosed in	the international application, see Box No. I.
 Certain claims were found 	l unsearchable (See Box No. II)	
 Unity of invention is lacking 	ng (See Box No. III)	1
 With regard to the title, 	See Alberta Complete	
the text is approved as subm	d by this Authority to read as follows:	
 With regard to the abstract, 		
the text is approved as sub-	mitted by the applicant.	
the text has been established may, within one month from	ed, according to Rule 38.2(b), by this Authorit in the date of mailing of this international sear	y as it appears in Box No. IV. The applicant ch report, submit comments to this Authority.
6. With regard to the drawings,	published with the abstract is Figure No. 1	
a, the figure of the drawings to be as suggested by the		
= -	Authority, because the applicant failed to sug	gest a figure.
	Authority, because this figure better characte	
	published with the abstract.	
Form PCT/ISA/210 (first shoot) (January 2		

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US05/08©7

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The technical features mentioned in the abstract do not include a reference sign between parentheses (PCT Rule 8.1(d)).

NEW ABSTRACT

A system (10) and method for detecting and analyzing neurological damage in an injured subject are provided using electrical nerve conduction analyses supported by a computing device (12). An appropriate neurologically protective pharmacoutical for that injury type and circumstances based on the result of said analyses is suggested.

Form PCT/ISA/210 (continuation of first sheet(3)) (January 2004)

INTERNATIONAL SEARCH REPORT

CLASSIFICATION OF SUBJECT MATTER

A.

International application No.

PCT/US05/08907

B. FELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) U.S.: 600/547, 554, 375, 382, 384; 436/86; 514/263 Documentation searched other than minimum documentation to the extent that such documents are included in the fields sourched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) WEST: nerve conduction, nerve damage, injury, electrical stimulation, detector, processor, threshold, display	IPC(7) US CL	: A61B 5/05 : 600/547			
Minimum documentation searched (classification system followed by classification symbols) U.S.: 600/547, 534, 375, 382, 384; 436/86; 514/263 Decumentation searched other than minimum documentation to the extent that such documents are included in the fields soarched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) WEST: nerve conduction, nerve damage, injury, electrical stimulation, detector, processor, threshold, display C. DOCUMENTS CONSIDERED TO BE RELEVANT Category* Citation of document, with indication, where appropriate, of the relevant passages Relevant to claim No. X	According to International Patent Classification (IPC) or to both national classification and IPC				
U.S.: 600/547, 544, 375, 382, 384; 436/86; 514/263 Documentation searched other than minimum documentation to the extent that such documents are included in the fields sourched learning and the fields sourched search (name of data base and, where practicable, search terms used) WEST: nerve conduction, nerve damage, injury, electrical stimulation, detector, processor, threshold, display C. DOCUMENTS CONSIDERED TO BE RELEVANT Category* Citation of document, with indication, where appropriate, of the relevant passages Relevant to claim No. US 2002/0183647 A1 (GOZANI et al) 05 December 2002 (05.12.2002), see whole 1,3,5,7,10,13 document. Y	B. FIELDS SEARCHED				
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) WEST; nerve conduction, nerve damage, injury, electrical stimulation, detector, processor, threshold, display C. DOCUMENTS CONSIDERED TO BE RELEVANT Category* Citation of document, with indication, where appropriate, of the relevant passages Relevant to claim No. 1.3,5,7,10,13 4.5,8,12 Y					
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Category* Citation of document, with indication, where appropriate, of the relevant passages Relevant to claim No. US 2002/0183647 A1 (GOZANI et al) 05 December 2002 (05.12.2002), see whole document. Y US 5,364,793 A (CAMERON, SR. et al) 15 November 1994 (15.11.1994), see whole document. Y US 5,364,793 A (CAMERON, SR. et al) 15 November 1994 (15.11.1994), see whole document. US 5,958,933 A (NAFTCHI) 28 September 1999 (28.09.1999), see whole document. 9 Further document site of the at which is no considered to be of particular relevance of chest documents and the continuation of Box C. 7 **A document deliging the general sites of the at which is no considered to be of particular relevance of persons published one or after the internal filling date documents which may been denable on principle slain(s) or which is died to establish the political persons and dischouse, as, solidation or other means **Comment of the actual completion of the international search Date of the actual completion of the international search P.O. Box 149 Macronal filling 2213-1459 Facsimil Is No. (703) 308-0858 Relevant to claim No. 1,3,7,7,10,13 4,6,8,12 See patent family sanex. See patent family sanex. **See patent famil	Electronic da WEST: nerve	ta base consulted during the international search (name conduction, nerve damage, injury, electrical stimulation	of date be in, detector	se and, where practicable, sear , processor, threshold, display	ch terms used)
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US 2002/0183647 A1 (GOZANI et al) 05 December 2002 (05.12.2002), see whole 13.5,57.10,13			propriate,	of the relevant passages	Relevant to claim No.
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PATENT COOPERATION TREATY From the INTERNATIONAL SEARCHING AUTHORITY PCTAVERY N. GOLDSTEIN GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C. WRITTEN OPINION OF THE 2701 TROY CENTER DRIVE, SUITE 330 INTERNATIONAL SEARCHING AUTHORITY TROY, MI 48007-7021 (PCT Rule 43bis.1) Date of mailing 3 A SEP 200 (day/month/year) FOR FURTHER ACTION Applicant's or agent's file reference See paragraph 2 below NRI-10652/22 International application No. International filing date (day/month/year) Priority date (day/month/year) 17 March 2004 (17.03.2004) 17 March 2005 (17.03.2005) PCT/LIS05/08907 International Patent Classification (IPC) or both national classification and IPC IPC(7): A61B 5/05 and US Cl.: 600/547 Applicant NEURORECOVERY, INC 1. This opinion contains indications relating to the following items: Bax No. I Basis of the opinion Box No. II Priority Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No III Box No. IV Lack of unity of invention Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial Box No. V applicability; citations and explanations supporting such statement Box No. VI Certain documents cited Box No. VII Certain defects in the international application Box No. VIII Certain observations on the international application 2. FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. 3. For further details, see notes to Form PCT/ISA/220. Authorized office

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Commissioner for Patents Alexandria, Virginia 223 13-1450 Form PCT/(SA/237 (cover sheet) (January 2004)

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Mail Stop PCT, Altn: ISA/US

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

PCT/US05/08907	

Box No	n. I Busis of this opinion
1. With r	regard to the language, this opinion has been established on the basis of the international application in the language in which it lied, unless otherwise indicated under this item.
	This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation firmished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With inven	regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed tion, this opinion has been established on the basis of:
a.	type of material
	a sequence listing
	table(s) related to the sequence listing
b.	format of material
	in written format
	in computer readable form
c.	time of filing/furnishing
	contained in international application as filed.
	filed together with the international application in computer readable form.
	furnished subsequently to this Authority for the purposes of search.
3. 🗌	In addition, in the case that more than one version or copy of a sequence listing audior table relating thereto has been filed or familished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were familished.
4. Add	itional comments:
1	

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/US05/08907

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial

applicability; citations and explanations supporting such statement				
1. Statement		(H)		
Novelty (N)	Claims 2,4,6,8,9,11,12	YES		
Claims 1.3,5.7,10,13 NO				
Inventive step (IS)	Claims 4,6.8.12	YES		
	Claims 1-3,5.7.9-11.13	NO		
Industrial applicability (IA)	Claims 1-13	YES		
	Claims NONE	NO		
2. Citations and explanations:				
2. Chantons and expandences. Claims 1, 3, 5, 7, 10 and 13 lack novelty under PCT Article 33(2) as being anticipated by Gozani et al (2002/0183647 A1).				
Claims 2 and 11 lack on inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of Cameron, Sr. et al (5,364,793). Corsai et al disclose a means of conducting nerve conduction studies but fial to disclose a means for easilyzing fluid from the subject to determine the presence of a neurological injury. Cameron, Sr. et al disclose a means for determining peripheral nerve damage and further disclose a means for analyzing fluid to determine the presence of a neurological injury. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Gozani et al to include the use of a fluid analysis, as per the teachings of Cameron, Sr. et al, since it would provide a means of necurately diagnosing a neurological injury.				
Claim 9 lacks an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of Nafteni (5,958,933). Gorand et al., as discussed above, disclose a means of conducting narre conductions studies to detect neurological injury in a subject, but fail to disclose the use of neurologically active pharmaceuticals. Nafteni discloses the use of neurologically active compounds. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Gorani et at linclude the use of neurologically active pharmaceuticals, as per the teachings of Nafteni, since it would provide a means of treating the diagnosed neurological injury.				
Claims 4,6,8,12 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the computing device providing instructions for positioning the emitter and detector of the subject; a user interface; the computing device suggests treatment protocols for the subject; and providing suggestions to the user for selecting a pharmaceutical for treating the injury.				

Claim I-13 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

NOTESTO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are basic on the requirements of the Patent Couperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. From one detailed information, see take the PCT -publication is Guide, a publication of WIPD.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that since all parts of the international application (claims description and drawings) may be amended during the international pretiminary examination procedure, there is usually no need to file unemdiments of the claims under Article 19 except where, e.g., the applicant wants the later to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some Status only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended

During the international phase, the claims may also be amended for further amended) under Article 14 before the International Prelimitary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When? Within 2 months from the due of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the international Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicave the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection wish each claim appearing in the international application (it being paderstood that identical indications concerning several claims may be grouped, whether

- (i) the claim is unchanged:
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

- [Where onginally there were 48 claims and after amendment of some claims there are 51]:
 "Claims I to 29, 31, 12, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged: new claims 49 to 51 added."
- 2 [Where originally there were 15 claims and after amendment of all claims there are 11]: "Claims I to 15 replaced by amended claims I to 11."
- [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims].
 - "Claims 1 to 6 and 17 added," or "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added," or "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
- [Where various kinds of amendments are made]: "Claims 1-10 tendanged: claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claims 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explanning the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under arrited 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filled and as amended. It must be filled on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not centain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of the claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submutted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Bu

Consequence with regard to translation of the international application for entry into the national phase

The applicant's amention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to the translation of the claims as filled.

For further details on the requirements of each designated elected Office, see the PCT Applicant's Guide, Volume II.